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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,139	08/28/2001	Joel Kahn	1086	5902
7590 02/02/2004				
Kirschstein, Ottinger, Israel & Schiffmiller, P.C. 489 Fifth Avenue New York, NY 10017-6105			EXAMINER KOYAMA, KUMIKO C	
			ART UNIT 2876	PAPER NUMBER

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,139

Applicant(s)

KAHN ET AL.

Examiner

Kumiko C. Koyama

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-39, 41 and 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-39, 41 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Acknowledgement is made of receipt of Response filed October 22, 2003.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 30-35, 38-39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asai (JPO 6-52343) in view of Ruppert et al (US 5,640,002).

Asai teaches two barcode readers. The first bar code reader 1A reads a bar code and transmits the first barcode data to a second reader 1B (col 2, Paragraph [0001]). The second bar code reader 1B receives the first barcode data and stores it into RAM (col 3, Paragraphs [0013]). The second bar code reader 1B reads the same bar code and obtains a second bar code data (col 3, Paragraph [0014]). If the first bar code data and the second bar code data match, then the bar code data is transmitted to an outside device, such as computer (col 2, Paragraph [0011] and col 3, Paragraph [0014]). Such disclosure teaches that the first bar code data and the second bar code data are sent to the computer. Fig. 2 shows that the bar code data goes through the decode circuit of the first reader before transmitting it to the second reader. Fig. 3 shows that the bar code data goes through the decode circuit of the second reader before transmitting it to the external device.

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Asai fails to teach that the data are transmitted to the host computer through a wired connection and that the data transmitted from the first reader to the second reader over a wireless connection.

Ruppert teaches a bar code scanning device having an infrared transceiver (col 1, lines 65-66) and a communication port for physical connection, such as cable (col 12, lines 17), to the store computer (col 2, lines 13-16 and lines 40-49). The bar code scanning device is utilized by a user, which is considered as supporting the reader (col 5, lines 62+).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Ruppert to the teachings of Asai in order to quickly transmit the bar code data between the two barcode readers and to transmit the data through the wired connection to the computer such that the computer receives an most accurate data from the reader without any errors.

3. Claims 36 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asai in view of Ruppert as applied to claim 30 above, and further in view of Goldmand (US 6,036,094). The teachings of Asai as modified by Ruppert have been discussed above.

Asai as modified by Ruppert fail to teach that the step of decoding the first and second symbol data in the host computer.

Goldman teaches that the two-dimensional bar code symbol for subsequent decoding in a host computer (col 2, lines 62+).

Therefore, it would have been obvious to an artisan ordinary skill in the art at the time the invention was made to integrate the teachings of Goldman to the teachings of

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Asai as modified by Rupport because the bar code may be encoded with data that may require large amount of resources, such as memory and processing speed, and also may require further processing the code of data obtained. The modification provides these necessary resources for processing the symbol data in the host computer, and thus provide a faster service.

Response to Arguments

4. Applicant's arguments with respect to claims 30-39 and 41-42 have been considered but are moot in view of the new ground(s) of rejection.

The examiner has found new art that she believes is more relevant to the instant application. Therefore, new rejection has been applied.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Johnson, U.S. Patent No. 5,151,684, discloses an electronic inventory label and security apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 571-272-2394. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1562.

Kumiko C. Koyama
Kumiko C. Koyama
January 26, 2004



THIEN M. LE
PRIMARY EXAMINER